

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

Case No. 6:16-cv-00062-NKM

THOMAS E. PEREZ,
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR

Plaintiff,

v.

ADAM VINOSKEY,
THE ADAM VINOSKEY TRUST,
EVOLVE BANK AND TRUST, MICHAEL NEW,
SENTRY EQUIPMENT ERECTORS, INC., and
THE SENTRY EQUIPMENT ERECTORS, INC.
EMPLOYEE STOCK OWNERSHIP AND
SAVINGS PLAN,

Defendants.

)
)
)
) **STIPULATION REGARDING**
) **RESPONSE OF DEFENDANT THE**
) **SENTRY EQUIPMENT**
) **ERECTORS, INC. EMPLOYEE**
) **STOCK OWNERSHIP AND**
) **SAVINGS PLAN**

It is hereby stipulated and agreed between Plaintiff Thomas E. Perez, Secretary of Labor, United States Department of Labor (“Plaintiff”), by and through its attorneys, and Defendants Adam Vinoskey, The Adam Vinoskey Trust, Evolve Bank and Trust, Michael New, Sentry Equipment Erectors, Inc., and The Sentry Equipment Erectors, Inc. Employee Stock Ownership and Savings Plan, by and through their respective attorneys, as follows:

Plaintiff and the undersigned Defendants agree that Defendant The Sentry Equipment Erectors, Inc. Employee Stock Ownership and Savings Plan (the “Sentry ESOP”) should not be required to respond to the Complaint in this action at this time and should remain a party in this action for the purpose of ensuring complete relief among the parties. In so agreeing, the parties

reserve their right to petition the Court to require a response by the Sentry ESOP if the circumstances so require it.

Dated: December 19, 2016

Agreed by:

/s/ Andrea Luby

Andrea Luby
Attorney
PA ID #321609

M. Patricia Smith
Solicitor of Labor
Oscar Hampton III
Regional Solicitor

U.S. Department of Labor
Office of the Solicitor
Suite 630 East, The Curtis Center
170 South Independence Mall West
Philadelphia, Pennsylvania 19106-3306
Telephone: (215) 861-5128
Facsimile: (215) 861-5162
luby.andrea@dol.gov

Counsel for Plaintiff

/s/ Alton L. Gwaltney, III

Alton L. Gwaltney, III
Virginia Bar No. 36331
MOORE & VAN ALLEN PLLC
100 North Tryon Street, Suite 4700
Charlotte, North Carolina 28205
Telephone: (704) 331-1008
Facsimile: (704) 378-1908
larrygwaltney@mvalaw.com

*Counsel for Defendants Adam Vinoskey,
The Adam Vinoskey Trust,
Sentry Equipment Erectors, Inc., and
The Sentry Equipment Erectors, Inc.
Employee Stock Ownership and Savings Plan*

/s/ Thomas R. Waskom

Alexandra B. Cunningham
Virginia Bar No. 46197
Thomas R. Waskom
Virginia Bar No. 68761
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074
Telephone: (804) 788-8200
Facsimile: (804) 788-8218
acunningham@hunton.com
twaskom@hunton.com

*Counsel for Defendants Evolve Bank and
Trust and Michael New*

/s/ Scott J. Stitt

Scott J. Stitt (*pro hac vice anticipated*)
TUCKER ELLIS LLP
175 South Third Street, Suite 520
Columbus, Ohio 43215
Telephone: (614) 358-9304
Facsimile: (614) 358-9712
scott.stitt@tuckerellis.com

*Counsel for Defendants Evolve Bank and
Trust and Michael New*

IT IS SO ORDERED:

Judge, United States District Court

DATED: _____, 2016

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2016, I served a true and accurate copy of this **STIPULATION REGARDING RESPONSE OF DEFENDANT THE SENTRY EQUIPMENT ERECTORS, INC. EMPLOYEE STOCK OWNERSHIP AND SAVINGS PLAN** upon all counsel and parties of record using the CM/ECF system, which will send notification of such filing and service, and by United States first class mail, by depositing the same in an official U.S. Postal depository, postage prepaid, and addressed to counsel as follows:

Andrea Luby
U.S. Department of Labor
Office of the Solicitor
Suite 630 East, The Curtis Center
170 South Independence Mall West
Philadelphia, Pennsylvania 19106-3306
luby.andrea@dol.gov

Counsel for Plaintiff

Alexandra B. Cunningham
Thomas R. Waskom
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074
acunningham@hunton.com
twaskom@hunton.com

Scott J. Stitt (*pro hac vice anticipated*)
TUCKER ELLIS LLP
175 South Third Street, Suite 520
Columbus, Ohio 43215
scott.stitt@tuckerellis.com

*Counsel for Defendants Evolve Bank
and Trust and Michael New*

This 19th day of December, 2016.

/s/ Alton L. Gwaltney, III
Alton L. Gwaltney, III